

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TREEHOUSE AVATAR LLC,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Civil Action No. 2:17-cv-01860-RAJ

JOINT CLAIM CHART AND
PREHEARING STATEMENT

JURY TRIAL REQUESTED

Plaintiff Treehouse Avatar LLC (“Treehouse”) and defendant Valve Corporation (“Valve”) submit the following joint claim chart and prehearing statement.

(a) The parties’ joint claim chart is attached as Exhibit 1, including the construction of those terms on which the parties agree.

(b) The joint claim chart of Exhibit 1 further includes each party’s proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the intrinsic evidence that support that construction, and an identification of any extrinsic evidence on which each party intends to rely either to support its proposed claim construction or to oppose any other party’s proposed claim construction. Discovery is still ongoing. The citations to the intrinsic evidence are meant to be exemplary and the parties reserve

1 their rights to provide additional citations – both intrinsic and/or extrinsic as may subsequently
2 become appropriate. The joint claim chart includes reference numbers for each disputed claim
3 term, previously assigned to the terms in briefing filed when the action was pending in Delaware.
4 See Dkt. #55-1 (joint claim construction statement). The claim numbers have been retained in the
5 attached joint claim chart so that the prior claim construction briefing can be associated with those
6 same numbers, rather than using new numbers for the reduced number of terms.

7 (c) Ten or fewer claim terms are in dispute. Although a larger number of disputed terms
8 is contained in the briefing, since the time of the briefing the parties have narrowed the issues and
9 the disputed terms, as set forth in the accompanying joint claim chart. The parties continue to
10 meet-and-confer regarding possible agreement and in response to the proposed constructions, as
11 well as regarding their recently exchanged infringement, non-infringement, and invalidity
12 contentions. Accordingly, the parties also reserve the right to modify any proposed constructions
13 as appropriate under the governing rules and the Court's orders.

14 (d) The parties anticipate the Claim Construction Hearing will take no more than four
15 hours.

16 (e) The parties propose that the claim construction hearing should address the terms
17 individually, in the order as set forth in the accompanying joint claim chart. Plaintiff Treehouse
18 will address the construction of the disputed term first, with Defendant Valve to follow and then
19 rebuttal by both parties to the extent permitted by the Court. There are several terms which Valve
20 contends to be invalid as indefinite. For those terms, the parties propose to reverse the order, with
21 Valve addressing the terms first and then Treehouse responding, again followed by rebuttal to the
22 extent permitted by the Court.

1 (f) The parties agree that they will not present live testimony as part of the claim
2 construction hearing.

3 (g) The parties agree that no separate tutorial is necessary for the claim construction
4 hearing, and instead the parties can present brief background related to the patent as part of their
5 opening remarks, or in response to questions from the Court as applicable.

6 (h) The parties do not believe a prehearing conference is necessary.

7 (i) The parties agree that the Court need not appoint an independent expert.

8 DATED this 28TH day of June, 2018.

9 LOWE GRAHAM JONES^{PLLC}

10 /s/Lawrence D. Graham

11 Lawrence D. Graham, WSBA No. 25402

12 Graham@LoweGrahamJones.com

13 701 Fifth Avenue, Suite 4800

14 Seattle, Washington 98104

15 T: 206.381.3300

16 F: 206.381.3301

17 *Attorneys for Treehouse Avatar, LLC*

18 FOX ROTHSCHILD LLP

19 /s/Gavin W. Skok

20 Gavin W. Skok, WSBA No. 29766

21 Shata L. Stucky, WSBA No. 39963

22 1001 Fourth Avenue, Suite 4500

23 Seattle, Washington 98154-1192

24 T: 206.624.3600

gskok@foxrothschild.com

sstucky@foxrothschild.com

BARCELO, HARRISON & WALKER, LLP

Reynaldo C. Barceló (*admitted pro hac vice*)

Joshua C. Harrison (*admitted pro hac vice*)

2901 West Coast Hwy, Suite 200

Newport Beach, CA 92663

T: 949.340.9736

rey@bhiplaw.com

josh@bhiplaw.com

Attorneys for Valve Corporation